

**Board for Professional Engineers and Land Surveyors
Board Meeting Minutes
September 7 & 8, 2006**

**Sheraton Pasadena Hotel
303 East Cordova Street
Pasadena, California, 91101
(626) 449-4000**

**Thursday, September 7, 2006, beginning at 1:00 p.m.,
and continuing on Friday, September 8, 2006, beginning at 9:00 a.m.**

Thursday, September 7, 2006

Board Members Present: Arthur Duffy, President; Gregg Brandow; James Foley; Robert Jones; Richard Lyons; Millicent Safran; Patrick Tami; and Cindy Tuttle.

Board Members Absent: Edward Yu, Vice President

Board Staff Present: Cindi Christenson (Executive Officer), Cindy Fernandez (Executive Analyst), Gary Duke (Legal Counsel), Linda Schneider (Liaison Deputy Attorney General), Nancy Eissler (Enforcement Program Manager), and Debbie Thompson (Budget Analyst)

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order by President Duffy at 1:15 p.m. Roll call was taken, and a quorum was established.

President Duffy introduced Ms. Charlene Zettel, Director of the Department of Consumer Affairs. Ms. Zettel swore in Board members Dr. Gregg Brandow and Mr. James Foley.

On behalf of the Governor, Ms. Zettel thanked the Board members and the Executive Officer for their dedication and service to the people of the State of California.

President Duffy presented Past President Tuttle with a plaque and proclamation for her service as Board President.

2. Public Comment

Mr. Bockmiller, representing PECG, stated he was following up on the progress of a test site in the Central Valley and also asked when the Land Surveyor test results were going to be mailed.

Ms. Christenson stated that staff is looking into test sites for future examinations and that she believed that the Land Surveyor test results were being mailed the following week.

3. Approval of Delinquent Reinstatements (Possible Action)

MOTION: Ms. Tuttle/Mr. Foley moved to approve the Delinquent Reinstatements as follows:

CIVIL

1. Megan Monticone

Reinstate applicant's civil license once she has taken and passed the Board's Laws and Regulations Examination and pays all delinquent and renewal fees.

MECHANICAL

1. Richard Greiner

Reinstate applicant's mechanical license once he pays all delinquent and renewal fees.

2. Kenneth Nittler

Reinstate applicant's mechanical license once he pays all delinquent and renewal fees.

FIRE PROTECTION

1. John Arthur Alderman

Reinstate applicant's fire protection license, having met all requirements for reinstatement, including passing the Board's Laws and Regulations Examination.

VOTE: 8-0, motion carried.

4. Comity and Temporary Authorization Applications (Possible Action)

MOTION: Ms. Safran/Mr. Foley moved to approve the Amended Handout Comity List.

VOTE: 8-0, motion carried

5. NCEES Annual Meeting (Possible Action)

a. Proposal to Increase Education Requirements to 30 units or a Master's Degree (Possible Action)

Mr. Jeff Russell did a presentation on this item and provided the Board members with handouts.

Mr. Blum, P.E., ASCE, asked the Board members to attend the NCEES Annual meeting in Alaska and to speak regarding this item. Mr. Blum supports Mr. Russell.

Ms. Zettel supports more education; her concern is that this may create a "Barrier".

Mr. Foley stated that from an engineers standpoint, this is a great idea, but from a Board member/ Consumers standpoint, he does not feel like it is a good idea and he feels like this should go to ABET, not NCEES.

Dr. Brandow stated that NCEES tries to do a "Model Law" and lets each state decide if they want to accept it or not.

Ms. Safran expressed concerns over how this will affect Comity with NAFTA. Dr. Brandow stated that there is no NAFTA agreement with Mexico.

Mr. Lyons stated that you learn the "Basics" in college, but on the job training is the most important.

Mr. Tami wanted to know if there is any proposal to increase units for the Land Surveyors.

Ms. Tuttle wanted to know if there is a general agreement that there is a problem with the engineers coming into the profession and not being qualified.

President Duffy stated that he has not heard of any problem which would indicate a need to increase education requirements.

Mr. Lyons also stated that he has not noticed any problems with the young engineers coming into the profession.

Ms. Safran stated that she sees a problem with grades, K-12, not getting a good basic education and when these students get to college; they don't have the communication and writing skills that they should have.

President Duffy feels that the Board members do not have a clear idea of this item and feels that more information is needed and questions answered before an informed decision can be made.

MOTION: Mr. Jones/Ms. Tuttle moved to table this item until more information is brought to the Board.

VOTE: Motion withdrawn.

Ms. Christenson asked if there are any "Bullet" points to be taken to the NCEES Meeting. Mr. Foley and Mr. Tami agreed to prepare an outline for this purpose.

President Duffy would like to hear from other Engineering Societies regarding this item.

Dr. Brandow feels that the "bar" definitely needs to be raised on Education.

MOTION: Ms. Safran moved to discuss this item at the next Board meeting and to have President Duffy appoint a sub-committee.

Died for lack of Second.

MOTION: Ms. Tuttle/Mr. Foley moved for the Board to take a "No" position on this issue because there is not enough information to make an informed decision and to direct Mr. Foley and Mr. Tami to put together questions to take to the NCEES meeting.

VOTE: 7-1, motion carried, Dr. Brandow, nay.

b. Proposal to Eliminate "Land" from Land Surveying (Possible Action)

MOTION: Mr. Tami/Mr. Foley moved not to remove "Land" from Land Surveying.

VOTE: 8-0, motion carried.

c. Proposal to Increase Fees (Possible Action)

MOTION: Ms. Safran/Ms. Tuttle moved to approve Fee Increase.

VOTE: 8-0, motion carried.

d. Proposal to Supply Calculators (Possible Action)

Ms. Christenson originally thought it would be a good idea to supply calculators to the candidates because it would help with the administration of the examination, but after talking to an engineer from Oklahoma, decided that there would be problems with the type of calculator being used.

MOTION: Ms. Safran/Ms. Tuttle moved not to supply calculators to the candidates.

VOTE: 8-0, motion carried.

e. Proposal to Require Candidates to Register with NCEES (Possible Action)

MOTION: Mr. Foley/Dr. Brandow moved to have Candidates register with NCEES provided that there is no cost.

VOTE: 8-0, motion carried.

Mr. Duke will look into this item from a legal stand point.

8. Administration

a. Fund Condition

Ms. Thompson reported on changes included in the Board's fund condition dated August 15, 2006:

- The year-end application revenue projection for FY 2006-07 decreased from \$3,443,666 to \$3,440,414.
- The year-end actual reimbursements for FY 2006-07 increased from \$46,330 to \$51,530.
- The year-end renewal revenue projection for FY 2005-06 increased from \$5,172,850 to \$5,182,348.
- The total year-end revenue received by the Board through July 25, 2006 was \$8,883,196 which is \$2,040,372 more than the FY 2004-05 year-end total received.

b. Fiscal Year 2005-06 Budget

Ms. Thompson reported that the Board's FY 2005-06 year-end total expenditure was \$7,418,995 leaving a \$165,036 balance after budgeted expenditures. Ms. Thompson also distributed the FY 2005-06 Exam Expenditures which identifies the total cost per exam discipline and by exam function: application processing; exam administration; NCEES costs; and exam development.

c. Fiscal Year 2006-07 Budget Change Proposals

Ms. Thompson reported that the Board's BCPs became effective July 1, 2006 for the 3 additional Enforcement Analysts and mail clerk Office Assistant. To date, three of the four positions have been filled.

d. Fiscal Year 2007-08 Budget Change Proposals

Ms. Thompson reported that BCPs for the SME Hourly Rate Increase and Reporting of Legal Actions added staff were approved by DCA and

submitted to the State and Consumer Services Agency August 11, 2006. Upon Agency approval, they will be submitted to the Department of Finance sometime in September of 2006.

e. Land Surveyor Contract Renewal

Ms. Thompson reported that the RFQ was mailed out to a list of prospective proposers on August 11, 2006. The RFQ is also listed in the California Land Surveyor Associations website classified section and in the State Contracts Register. The deadline for proposal submission is September 27, 2006. The new contract term in the RFQ is January 2, 2007 to March 31, 2009.

f. Land Surveyor Position for FY 2008-09

Ms. Thompson reported that the proposal is still under review by DCA. In order for the LS contract funds to be redirected into a position for FY 2008-09, the Board will have to submit a BCP in June of 2007. President Duffy questioned if the Board planned to come up with a new classification or use an existing classification. Ms. Thompson answered that usage of an existing classification would be more desirable because the Board wouldn't have to conduct testing for a one-position classification.

Mr. Foley suggested the Board rotate into the LS position each year individuals from different agencies (i.e., CalTrans, Bureau of Reclamation). In this manner, the Board benefits from individuals that are actively surveying and who can bring fresh perspectives to the Board. This type of rotation would eliminate the pigeon holing a surveyor into an administrative task problem of knowledgeable in a specific area. Ms. Christenson indicated that Board staff will look into this idea and report back.

g. Publications Review

Ms. Eissler reported that the Handbook of Laws and Rules was available as of July 2006. The Enforcement Bulletin will be available in early October 2006.

9. Enforcement

a. Probation Monitoring Process (Possible Action)

Ms. Eissler provided a brief summary of the probation monitoring process.

10. Legislative

a. Discussion of Legislation for 2006, including but not limited to AB 180, AB 1561, AB 1588, AB 2835, and SB 246, SB 1476, SB 1849 (Possible Action)

President Duffy went over the information contained in the agenda.

President Duffy reported that Ms. Tuttle will be the new chair for Legislation.

b. Regulation Status Report

No report given.

11. Technical Advisory Committee Reports

(No Committee Meetings were held.)

a. Board Assignments to TACs (Possible Action)

Mr. Tami wants to get the LS TAC activated and will work with staff on this matter.

b. Appointment of TAC Members (Possible Action)

MOTION: Ms. Safran/Mr. Tami moved to appoint Mike Jones and Tom Taylor, to 2 year terms, Mike Edmonds, and Mike Butcher to 1 year terms to the LS TAC.

VOTE: 8-0, motion carried.

12. Liaison Reports (Possible Action)

a. ABET

Ms. Christenson reported that the ABET visits are coming up and that she will be putting a list together and will ask for volunteers to attend these visits.

b. NCEES

No report given.

c. Technical and Professional Societies

No report given.

13. President's Report

No report given.

14. Executive Officer's Report

1. Administration Report

a. Executive summary report

No additional report given.

2. Personnel

a. New Hires

Ms. Christenson reported that Larry Kereszt and Brook Cismowski are the new Enforcement Analysts hired in the Enforcement Unit, Joyce Hirano has been hired as the Staff Civil Engineer, and Bryan Lai has been hired as the Mail Clerk. .

b. Vacancies

Ms. Christenson reported that there are vacancies for an evaluator, a cashier, and clerical support in the Enforcement Unit.

3. Enforcement/Examination/Licensing

a. College Outreach

Ms. Christenson reported that there have been a lot of requests for College Outreach.

b. Report on Enforcement Activities

Ms. Eissler gave an update on Enforcement activities.

c. Report on Examination Activities

Ms. Christenson reported that the Examination Contracts for the October 06 exam administration are still in progress.

4. Publications/Website

a. Website Activity Statistics

No report given.

5. Other

a. DCA update

Ms. Christenson reported that Ignacio Lopez-Alvarez, the Board's Staff Mechanical Engineer, and Joanne Arnold, the Assistant Executive Officer, are working on the Continuity Operations & Continuity of Government Plan. (COOP/COG).

15. Approval of Board Travel (Possible Action)

No Board Travel.

16. Other Items Not Requiring Board Action

Date of Next Board Meeting: November 9, 2006, Sacramento, California.

Ms. Christenson reported that for the November meeting, we will have three to four Petition Hearings; therefore, the meeting needs to be two days, rather than one day. She suggested that the Board meeting be moved from November 9 to November 16 & 17, 2006.

Ms. Tuttle suggested sending a letter to Rosario Marin and Antonette Sorrick thanking them for making sure new appointments were made to the Board.

Friday, September 8, 2006

Board Members Present: Arthur Duffy, President; Edward Yu, Vice-President; Gregg Brandow; James Foley; Robert Jones; Richard Lyons; Millicent Safran; Patrick Tami; and Cindy Tuttle.

Board Members Absent: None

Board Staff Present: Cindi Christenson (Executive Officer), Cindy Fernandez (Executive Analyst), Gary Duke (Legal Counsel), Linda Schneider (Liaison Deputy Attorney General), Nancy Eissler (Enforcement Program Manager), and Debbie Thompson (Budget Analyst)

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order by President Duffy at 905 a.m. Roll call was taken, and a quorum was established.

Vice President Yu arrived at 9:10 a.m.

4. Comity and Temporary Authorization Applications (Possible Action)

MOTION: Mr. Foley/Mr. Jones moved to approve the Temporary Civil Authorizations for Richard Wayne McCoy, Ronald Ross, and William Taylor, Jr., for a period of 180 days.

VOTE: 9-0, motion carried.

6. Amend Board Rules 407 (Fees), 443 (Inspection of Examination), and 444 (Examination Appeal) (Possible Action)

Ms. Christenson went over the information contained in the agenda.

MOTION: Ms. Safran/Mr. Foley moved to add language that says "Candidates score will be reported as 'passing' or 'not passing.'"

VOTE: 8-1, motion carried, Mr. Jones, nay.

17. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant

to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), and 11126 (e)(1)]

- a. Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492
- b. Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, Court of Appeal First Appellate District, Division 3, Case No. A109241, (San Francisco Superior Court Case No. 402996)
- c. Michael Carlos Laroue v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS 100633

7. Approval of Oregon Traffic Engineering Examination for Comity Purposes (Possible Action)

This item was moved to closed session.

18. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically; Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492; Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, Court of Appeal First Appellate District, Division 3, Case No. A109241, (San Francisco Superior Court Case No. 402996); Michael Carlos Laroue v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS 100633

Ms. Christenson reported that the Board adopted the results of the take-home examination for the candidates who had previously passed the 8-hour portion of the indicated examinations.

Ms. Christenson reported that the Board approved the following passing cutscore for the Land Surveyor April 2006 examination; 179 out of a possible 393.

Ms. Christenson reported that the Board adopted the Stipulations regarding Mohamad Ziad Bayasi, Kirk W. Copsey, and Daniel J. Cook.

Ms. Christenson reported that the Board discussed accepting the Oregon Traffic examination for comity applicants.

19. Approval of Consent Items (Possible Action)

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

- a. **Approval of the Minutes of the June 22, 2006, Board Meeting**
- b. **Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

MOTION: Ms. Tuttle/Ms. Safran moved to approve the consent calendar.

VOTE: 9-0, motion carried.

2. Public Comment

Mr. Hamers, P.E., wanted to thank Ms. Christenson and the Enforcement staff for the wonderful job that they do.

20. Adjourn

The Board adjourned at 10:20 a.m.

PUBLIC PRESENT

Otto Jarquin, Cal Trans
Kathleen O'Malley, CELSOC
Bob DeWitt, CELSOC
William R.Hofferer, CLSA
Rob Moreno, RBF
Carl Blum, P.E., ASCE
Paul Helfrey
Charlene Zettel, DCA
Norm Buehring, ASCE
Lyn T. Bockmiller, PECG
Rob Hamers, P.E.
William Taylor
Ron Ross
Wayne McCoy